



December 19, 2008

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Re: Comments on Recommended Approaches for Setting Interim Significance Thresholds for Greenhouse Gases under the California Environmental Quality Act

Dear Mr. Karperos and Mr. Ito:

The California Landscape Contractors Association, representing more than 3,000 licensed contractors and associated industry suppliers who design, construct, and maintain commercial, public, and residential landscapes, welcomes the opportunity to comment on the Air Resources Board draft staff proposal for setting interim significant thresholds under the California Environmental Quality Act. Our comments are limited to those elements of the staff recommendations relating to setting potential performance standards for landscape irrigation.

CLCA supports the goal of providing lead agencies and developers with a performance-based pathway for determining thresholds of significance associated with greenhouse gas emissions from projects subject to CEQA. We recognize that efficient use of water for landscape irrigation is an essential component of any performance-based standards ultimately adopted by the board. However, it is critically important to our membership that any landscape irrigation standards adopted by the board be consistent and conform to the updated Model Water Efficient Landscape Ordinance ("Model Ordinance") regulations that will shortly be adopted by the California Department of Water Resources.

Based on our review of staff materials and workshop presentations, it appears that the ARB staff is attempting to "piggyback" an arbitrary 50 percent reduction in water use for landscape irrigation on top of the already stringent water efficiency standards being established by the updated Model Ordinance. In Slide 17 of the December 9th workshop presentation, staff misreads the requirements of Section 604.2 of the California Green Building Code, which does *not* require a 50 percent reduction in water use above the requirements of the water budget as calculated under the Model Ordinance. In fact, Section 604.2 merely provides that water use shall be reduced by 50 percent "after initial requirements for plant installation and establishment." In this connection, the most recent draft of the updated Model Ordinance regulations does not differentiate between the water allowed for newly installed versus established plants, but instead provides for an annual water budget which gives property owners flexibility to apply more or less water at different times of the year or during initial growth, while keeping total annual water use

within an aggregate cap. Moreover, the Outdoor Water Use provisions of the California Green Building Code (Section 604 et seq.) were never designed to apply to dwellings, are currently voluntary, and appear to be borrowed from also voluntary LEED standards that are more appropriate to Midwestern and Eastern states where climatologic conditions differ significantly from those found in California.

The Model Ordinance offers an ideal performance standard because it incorporates many specific geographic and climate adjusted design, documentation, and compliance criteria and, most importantly, enforcement provisions before and after project completion to assure that projected water savings from an approved landscape design are actually realized. Additionally, in situations where landscaping is installed after project approval, such as a single-family housing development with unfinished backyards, the Model Ordinance will apply prospectively to the individual homeowners if the landscaped area is 5,000 square feet or more and the landscape work requires a building or landscape permit.

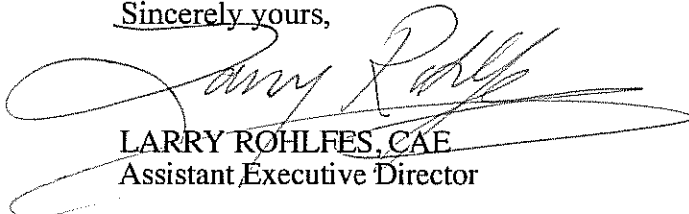
As experienced landscape professionals, we believe that a 50 percent reduction in landscape water use above and beyond the reductions already contemplated by the updated Model Ordinance would drastically change the characteristics of California landscapes and have unintended consequences that would contribute to even greater energy-related greenhouse gas emissions, such as increased air conditioning use due to reduction of shade from trees and large shrubs, the accentuation of heat island effects, and reduced carbon sequestration by lawns and landscape plants. Healthy landscapes also help clean the air and reduce dust and particulate matter--important public health and quality of life issues for many communities.

For these reasons CLCA recommends the Model Ordinance as the most appropriate, effective, and evidence-based performance standard for water efficient landscaping in commercial and residential projects subject to CEQA. Any reference to the Green Building Standards Code, which was erroneously drafted and never intended to apply to dwellings, should be avoided.

If additional outdoor potable water savings beyond those achievable from the Model Ordinance are necessary, CLCA recommends that the board consider cost-effective performance measures to supply recycled or reclaimed water to projects--so long as the aggregate amount of water available for landscaping use from both potable and non-potable sources is not less than the annual water budget established for a particular property by the Model Ordinance.

CLCA appreciates the challenges presented to board staff in crafting performance standards for residential and commercial projects that reasonably limit greenhouse gas emissions from at least five sources. As this proposal evolves we hope that you will reach out to CLCA for its advice and counsel on real world solutions to landscape water conservation.

Sincerely yours,



LARRY ROHLFES, CAE
Assistant Executive Director

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